IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1590 of 2007()

AGAINST THE ORDER IN BA.1058/2007 Dated 26/02/2007
CRIME NO.236/2005 OF PUTHUNAGARAM POLICE STATION

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: PETITIONER/ACCUSED

SHAJI P.M,S/OMOHAMMED,PUTHIYAVEETTIL HOUSE,TRICHUR.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

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1. THE SUB INPSECTOR OF POLICE, PUTHUNAGARAM POLICE STATION,PALAKKAD DISTRICT.

2. STATE REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1590/2007

Dated this 2nd day of April, 2007

O R D E R

The petitioner, who is the fourth accused in Crime No.236/2005 of Puthunagaram Police Station for an offence punishable under Section 55(a) of the Abkari Act for allegedly transporting 600 litres of rectified spirit in 20 cans in a Tata India Car on 4.10.2005, seeks his enlargement on bail. The petitioner was arrested on 7.3.2007.

2. The learned Public Prosecutor opposed the application submitting inter alia that the petitioner is the person who had entrusted the accused Nos. 1 and 2 to bring the rectified spirit from Coimbathoor to Kerala and that he was funding the procurement.

3. It is too early to accept the petitioner's contention that he who was not found inside the Tata Indica Car is not guilty of the offence and that he had been falsely implicated in the case.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari

Act are present in this case so as to justify the release of the petitioner on bail.

The application is accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs